

**FORM TO BE USED BY A PRISONER FILING
AN APPLICATION FOR PRO BONO COUNSEL IN A CIVIL RIGHTS CASE
(NOT TO BE USED IN A HABEAS CASE,
See 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. §§ 2254(h), 2255)**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DAVID HOHSFIELD

Plaintiff,

v.

CORY CALDWELL, et al.,

Defendants.

: **APPLICATION FOR PRO BONO COUNSEL**
: **28 U.S.C. § 1915(e)(1) SUBSEQUENT**

:
: Civil Action No. 12-3480 (ES)

INSTRUCTIONS – READ CAREFULLY

1. There is no constitutional guarantee to representation in civil cases. However, pursuant to 28 U.S.C. § 1915(e)(1), a district court may request an attorney to represent a person who has been granted permission to proceed in forma pauperis in the action and is unable to afford counsel.
2. If you have been granted permission to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, you are unable to afford counsel, and you feel that you need counsel to represent you in the action, then you may ask the judge assigned to your case to request a pro bono (free of charge) attorney to represent you by completing and filing the attached "Application for Pro Bono Counsel."
3. You must serve a copy of your application on each party, whether or not that party has been served with a copy of your summons and complaint. If a party is represented by an attorney (an attorney has filed papers in the case on that party's behalf), then service upon that party shall be made by serving his attorney. Service upon each party or his attorney must be conducted in accordance with Federal Rule of Civil Procedure 5(b) by mailing a copy of your application by regular mail to each party at his last known address or to a party's attorney at the attorney's address.
4. Attached you will find a Certificate of Service form. You must complete the Certificate of Service to show that you have served EACH party or attorney by regular mail. The completed Certificate of Service must accompany your application when it is submitted to the Court for filing.

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5. If your initial application for counsel is denied, you are free to make subsequent applications as your case nears trial.
6. If you file an Application for Pro Bono Counsel, the judge or magistrate judge assigned to your case will determine whether to grant your application. Factors that the judge will consider include:
 - (a) the claim has some merit;
 - (b) the pro se party lacks the ability to present an effective case without an attorney;
 - (c) the legal issues are complex or, the ultimate legal issues are not complex, but the pro se party lacks the familiarity with the rules of evidence and discovery needed to translate understanding of the law into presentation of the proofs;
 - (d) factual investigation will be necessary and the party is not adequately able to pursue said investigation;
 - (e) the case is likely to turn on credibility determinations;
 - (f) the case will require expert testimony;
 - (g) the party is unable to attain and afford counsel on his/her own behalf.

See Parham v. Johnson, 126 F.3d 454 (3d Cir. 1997); Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993).

7. If the judge grants your application, there is no guarantee that an attorney will be willing to accept your case. The Court cannot force or require an attorney to accept a civil case pro bono. The District of New Jersey has a panel of lawyers who may volunteer to provide pro bono representation where the judge has determined to request pro bono counsel for a party. The Clerk's Office attempts to find pro bono attorneys to take civil cases upon a judge's request; however, you will receive pro bono representation only if one of these attorneys volunteers to take your case. Despite the diligent efforts of the Clerk's Office, the process of finding pro bono attorneys may be lengthy and unsuccessful.
8. At any time during the process of trying to locate a pro bono attorney for you, you have the right to withdraw your Application for Pro Bono Counsel and continue to represent yourself.
9. If an attorney decides to accept your case, you will be notified by the Clerk's Office by mail.
10. Please note that you are fully responsible for prosecuting your case by yourself, unless and until the Clerk's Office notifies you by mail that a pro bono attorney will represent you in the action **AND** the attorney informs the Court in writing that he/she is representing you in the action. Even though you may have filed an Application for Pro Bono Counsel, the failure on your part to prosecute your case at any stage of the proceedings may result in dismissal of your case.

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QUESTIONS TO BE ANSWERED

1. Name of applicant David Hohsfield (currently confined)
- 2a. Have you previously requested counsel from the court in this case? Yes
- 2b. If so, what was the outcome? On October 4th, 2016 the Honorable Judge Michael A. Hammer , U.S.M.J. Denied without prejudice the Motion for Counsel.
3. Explain specifically why you feel you need a lawyer to represent you at this time. If the judge denied your previous Application for Pro Bono Counsel in this case, please include any changes concerning your need for counsel since your last application. (Use additional paper if necessary.) In Plaintiff's previous request for Pro-Bono Counsel plaintiff did not include that he had previously been diagnosed with Alzheimer's Disease and had been taking the medication Donepezil . This fact can be verified by the enclosed copy of plaintiffs Medical Chart Summary, under Problems and Medications. Although the plaintiff has been diagnosed with the disease, he is only in the early stages and hopes for the best. The Court should also be made aware that 2 of plaintiffs family members, (father & brother) were diagnosed with the disease and passed away prior to reaching the age of 50 . Plaintiff asserts that this complaint is not frivolous, and has merit. Plaintiff was assaulted by Caldwell who tried to justify his actions by fabricating false disciplinary charges against plaintiff. Thereafter, Caldwell had threatened plaintiff with injury if plaintiff continued to communicate with the Courts asking for help. Plaintiff suffered injuries at the hand of Caldwell and needs to be made whole again. Plaintiff asks the Courts assistance by requesting appointment of Pro-Bono Counsel because he is having problems relating to his disease, and knows that over time his ability to prosecute this complaint will become increasingly difficult. Plaintiff also asserts that the defendant had been served with copy of the complaint however had chose not to reply or respond to the complaint in the time allowed by the Rules of the Court, Plaintiff is entitled to Reinstatement and Judgment...
4. If you have been unable to attain an attorney, please explain why. Plaintiff has contacted both the Monmouth as well as the Ocean County Attorney Referral Services regarding possible representation, however was unsuccessful in being able to retain counsel. Plaintiff had also sent letters to several attorneys specializing in representing Civil Rights Complaints, however did not receive any reply from the attorneys he had contacted.

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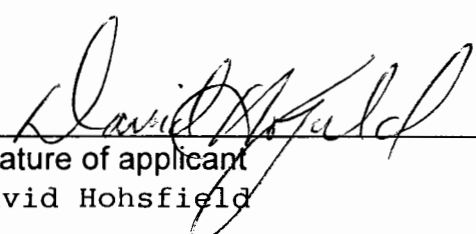
5. If you need a lawyer who speaks in a language other than English, state what language you speak: _____

I understand that if a lawyer volunteers to represent me and my lawyer learns that I can afford to pay for a lawyer, the lawyer may give this information to the Court.

I hereby waive my privilege of attorney-client confidentiality to the extent necessary for my pro bono attorney to make an application to be relieved as provided in Appendix H of the Local Civil Rules.

I declare under the penalties of perjury that my answers to the foregoing questions are true to the best of my knowledge.

Signed this 12th day of October, 2016.



Signature of applicant
David Hohsfield

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DAVID HOHSFIELD, : **CERTIFICATE OF SERVICE**

Plaintiff,

v. : Civil Action No. 12-3480- ES-MAH

CORY CALDWELL, ET AL. :

JOHN DOE/JANE ROE, 1-10 :

Defendants. :

I, David Hohsfield, certify that I am the Plaintiff herein
(print your name)

and that I served a copy of my Application for Pro Bono Counsel by handing a true and correct copy of the Application to Sgt. Sheehan/ Mailroom Sgt. on Oct. 12 , 2016

(name of prison official)

(date)

for mailing to each Defendant, or to the Defendant's attorney if the Defendant is represented in this action by an attorney, at the following address(es):

Cory Caldwell
(name of First Defendant or Defendant's attorney)

762 Ceder Ave.
(address line 1)

Elizabeth, NJ, 07202; and
(address line 2)

Cory Caldwell (A.K.A.)
(name of Second Defendant or Defendant's attorney)

110 Hillside Rd.
(address line 1)

Elizabeth, NJ, 07208; and

(address line 2)

John Doe, 1-10 Unknown Correction Officers
(name of Third Defendant or Defendant's attorney)

Unknown Addresses at this time.
(address line 1)

_____; and
(address line 2)

Jane Roe, 1-10 Unknown Correction Officers
(name of Fourth Defendant or Defendant's attorney)

Unknown Addresses at this time.
(address line 1)

_____; and
(address line 2)

(name of Fifth Defendant or Defendant's attorney)

(address line 1)

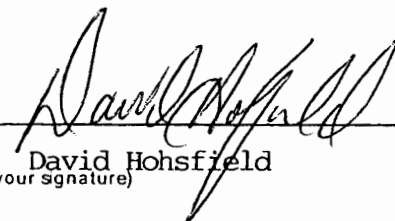
(address line 2)

(If there are more than five Defendants, attach additional sheets showing the names and addresses at which those Defendants or their attorneys were served.)

I certify under penalty of perjury that the foregoing is true and correct.

DATED: Oct. 12, 2016 _____

(date you sign)



David Hofsfield
(your signature)

South Woods State Prison-Facility One

Bridgeton, NJ

Fax:

March 23, 2016

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Chart Summary

DAVID HOHSFIELD

Male DOB:04/11/1956 Booking #:632960 SBI:000567841A

Ins: NJDOCIC (NJDOCIP)

Patient Information

Name: DAVID HOHSFIELD
Address: SWSP-FAC 1-H2-1L-1059 D
 02/05/2015,
Patient ID: 73075-0356001
Birth Date: 04/11/1956
Gender: Male
Contact By:
Soc Sec No: ██████████6175
Resp Prov:
Referred by:
Email:
Home LOC: South Woods State Prison-Facility
 One

Home Phone:**Work Phone:****Fax:****Status:** Active**Marital Status:** Undetermined**Race:** Caucasian**Language:****Booking #:** 632960**Emp. Status:****Sens Chart:** No**SBI #:** 000567841A**Problems**

HYPERTENSION (ICD-401.9)

(ALZHEIMER'S DISEASE, EARLY (ICD-331.0))

COCAINE ABUSE (A1) (DS4-305.60)

History of ULCER, GASTRIC NOS W/O HEM/PERF W/OBST (ICD-531.91)

History of HYDROCELE NOS (ICD-603.9)

DERMATITIS, SEBORRHEIC NEC (ICD-690.18)

PRESBYOPIA (ICD-367.4)

RIGHT EPIDIDYMAL MASS, BENIGN

History of BACK PAIN, CHRONIC (ICD-724.5)

HYPERLIPIDEMIA, MIXED, WITH LOW HDL (ICD-272.2)

HYPERMETROPIA (ICD-367.0)

Procedures**Medications**

ZYRTEC ALLERGY 10 MG TABS (CETIRIZINE HCL) 1 po daily prn allergies x 12 mos

Last Refill: #. x 0, 11/18/2015, Charlotte Smith, LPN

DONEPEZIL HCL 10 MG TABS (DONEPEZIL HCL) One tab daily X 365 days DOT

Last Refill: #. x 0, 01/26/2016, Charlotte Smith, LPN

DONEPEZIL HCL 10 MG TABS (DONEPEZIL HCL) 1 po daily x 12 mos

Last Refill: #1 x 0, 01/27/2016, Lisa Renee Mills, RN, NP

IBUPROFEN 600 MG TABS (IBUPROFEN) 1 po tid prn pain x 6 mos

Last Refill: #3 x 0, 03/21/2016, Lisa Renee Mills, RN, NP

LISINAPRIL 40 MG TABS (LISINAPRIL) 1 po daily x 12 mos

Last Refill: #1 x 0, 03/21/2016, Lisa Renee Mills, RN, NP

LOPRESSOR 100 MG TABS (METOPROLOL TARTRATE) 1 po bid x 12 mos

Last Refill: #2 x 0, 03/21/2016, Lisa Renee Mills, RN, NP

NORVASC 10 MG TABS (AMLODIPINE BESYLATE) 1 po daily x 12 mos

Last Refill: #1 x 0, 03/21/2016, Lisa Renee Mills, RN, NP

HASLER
10/18/2016
US POSTAGE
FIRST-CLASS MAIL
\$00.68
ZIP 08302
011D11648001



Honorable Michael A. Hammer, Clerk
United States District Court
District of New Jersey
Newark, NJ, 07101-0999

RECEIVED
DISTRICT COURT
NEW JERSEY
OCT 20 2 26 PM '16

David Hohsfeld-L
632960/SWicon Rd.
NJ, 08302
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Dkt.# 2:12-cv-03480

Legal Mail was tampered with by
Dept. of Corrections...

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